MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2769 OF 2006

Uttam Maruti Pawar, since deceased and others — Petitioners

versus

Vijay Hanumantrao Jadhav and others — Respondents

Mr.S.C.Prabhu i/by N.V.Bandiwadekar for petitioners.

CORAM : A.S.OKA, J.

DATE : 26th February 2007

PC :

1. Heard learned advocate for petitioners. By this writ petition under Article 227 of the Constitution of India, the petitioners have challenged the order dated 22nd February 2006 passed on an application at Exhibit-108. The said application at Exhibit-108 was filed by the petitioner by invoking Rule 18 of Order XVIII of the Code of Civil Procedure, 1908. In the said application a prayer was made requesting the learned Trial Judge to visit the suit property and to record the situation on the suit property.

MST

2. The power of the Court under Rule 18 of the Order XVIII of CPC is an extraordinary power. Considering the facts and circumstances of the case I find that the discretion exercised by the Trial Court cannot be faulted with. Writ Petition is rejected.

(A.S.OKA, J.)